

RNTPC Paper No. A/HSK/84
For Consideration by
the Rural and New Town
Planning Committee
on 3.8.2018

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/84

- Applicant** : Gainman Development Limited represented by Land Chartering Limited
- Site** : Lots 1094 (Part), 1095 (Part), 1096 (Part) and 1097 (Part) and adjoining Government Land in D.D. 124, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 6,160 m² (including government land of about 117.5 m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 60%); and
[Restricted to maximum building height of 8 storeys]
- “Village Type Development” (“V”) (about 40%)
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Cargo Handling and Forwarding Facility with Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary cargo handling and forwarding facility with ancillary warehouses and car parking facilities for a period of 3 years (**Plan A-1**). The Site is being used for the applied use without valid planning permission.
- 1.2 The Site straddles areas partly zoned “G/IC” and partly zoned “V” on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1 (the OZP). According to the Notes for the “G/IC” and “V” zones of the OZP, ‘Cargo Handling and Forwarding Facility’ is neither a Column 1 nor Column 2 use. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The applicant currently seeks temporary permission for a period of 3 years.
- 1.3 The Site is the subject of one previous application (No. A/YL-PS/541) for the same use of the current application but was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 13.10.2017. Details of the previous application are summarised at paragraph 6 below and at **Appendix III**.

- 1.4 The major development parameters of the current application and the previously rejected application No. A/YL-PS/541 are the same as follows:

Site Area	About 6,160m ² (including Government Land of about 117.5m ²)
Applied Use	Temporary Cargo Handling and Forwarding Facility with Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years
Total Floor Area	2,528 m ²
No. of Structures	2 (for warehouse use)
No. of Parking Spaces	16 in total 4 (for private cars) 4 (for light goods vehicles) 6 (for heavy goods vehicles) 2 (for container vehicles)
No. of Loading/ Unloading Spaces	12 in total 4 (for light goods vehicles) 6 (for heavy goods vehicles) 2 (for container vehicles)
Operation Hours	7:00 a.m. to 11:00 p.m. (Mondays to Saturdays) 8:00 a.m. to 1:00 p.m. (Sundays and Public Holidays)

- 1.5 The lot index plan and vehicular parking layout plan are at **Drawings A-1** and **A-2** respectively.
- 1.6 According to the applicant, the Site is only accessible from a local track leading from Hung Chi Road. The operation hours are from 7:00 a.m. to 11:00 p.m. on Mondays to Saturdays and 8:00 a.m. to 1:00 p.m. on Sundays and Public Holidays.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 12.6.2018 (with replacement page incorporated) **(Appendix I)**
 - (b) Supplementary planning statement with lot index plan and vehicular parking layout plan (with replacement page incorporated) **(Appendix Ia)**
 - (c) Letter of 16.7.2018 providing response to the comments of the Transport Department (TD) **(Appendix Ib)**
 - (d) Letter of 19.7.2018 providing clarification on the traffic flow at Ingress/ Egress M and updated Appendices IV and VI of the supplementary planning statement **(Appendix Ic)**

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) It has been accepted by the Planning Department that warehouse use has been in existence before the enactment of the Town Planning Ordinance within Lots 1096 and 1097 in D.D.124.
- (b) The proposed use does not have adverse environmental (noise and air), traffic, drainage and sewage impacts.
- (c) The surrounding area is dominated by rural workshops and open/covered storage yards. The proposed temporary use for a period of 3 years is compatible with the existing land use of the locality.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice of the application outside the Site and sending a notice to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are relevant to the application. The Site falls within Category 4 areas under TPB PG-No.13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

- 5.1 The Site is subject to on-going enforcement action against an unauthorised development (UD) involving storage use. An Enforcement Notice was issued on 17.1.2017 but the UD was not discontinued. Prosecution action was instigated. The defendants pleaded guilty and were fined \$125,000 on 8.3.2018. The site condition is being monitored. If the requirements of the statutory notice have not been complied with, the concerned parties are subject to further enforcement action.
- 5.2 The “G/IC” portion of the Site falls within an area designated as “Education” use on the adopted Hung Shui Kiu and Ha Tsuen Outline Development Plan (ODP) No. D/HSK/1. According to the ODP, the “G/IC” portion of the Site is reserved for a primary school and a secondary school.

6. Previous Application

- 6.1 The Site is the subject of one previous application No. A/YL-PS/541. Details of the previous application are summarised at **Appendix III** and the location is shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/541 for the same use by the same applicant of the current application was rejected by the Committee on 13.10.2017 on grounds of no strong planning justification has been given to deviate from the planning

intentions of the zones, the applied use is not compatible with the surrounding land uses which are predominantly residential in nature, the application does not comply with the TPB PG-No.13E and approval of the application would set an undesirable precedent.

7. Similar Application

There is no similar application in the same “G/IC” and “V” zones on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is:

- (a) currently occupied by the applied use without valid planning permission;
- (b) fenced and hard-paved with two covered structures; and
- (c) accessible by a local track leading to the Hung Chi Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate northwest is a food factory which may be tolerated under the Town Planning Ordinance (TPO), and another food factory, a logistic centre, an area for parking of vehicles and open storage of construction materials and machinery which are suspected unauthorised developments (UDs) to the north and further northwest;
- (b) to the further northeast are an real estate agency and a vehicle repair workshop which are suspected UD. To the east are vehicle repair workshop, car services and storage use which are suspected UD, and a residential dwelling at Hung Shui Kiu Main Street;
- (c) to the southeast is a warehouse and car services which are suspected UD, and a refuse collection point at Hung Shui Kiu Main Street. To the immediate south and further southeast are residential dwellings and Bellevue Court; and
- (d) to the southwest is a shrine and residential dwellings. To the west are residential dwellings, Small House under construction, cultivated agricultural land and vacant land.

9. Planning Intentions

9.1 The “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of government land (GL) (about 117.5m² subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The Site is accessible to Hung Shui Kiu Main Street through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The private lots which are covered by Short Term Waivers (STW) are listed below:

Lot No(s). in DD 124	STW	Purposes
1094	1159	Food Factory and Quarter
1095	1314	Food Factory

- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or

regularise any irregularities on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

- (g) According to his record, there is no Small House (SH) application approved or under processing within the Site. There are 10 SH applications under processing and 11 SH applications approved in the vicinity of the Site.

Building Matters

10.1.2 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a NTEH) are erected on leased land without approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under

Regulation 19(3) of the B(P)R at the building plan submission stage.

Traffic

10.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space should be provided within the Site. No vehicles are allowed to queue back to public roads or reverse back onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

10.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) The access between the Site and Hung Chi Road/Hung Shui Kiu Main Street is not and will not be maintained by HyD.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application because there are sensitive users nearby (the nearest is about 4m away) (**Plan A-2**), and environmental nuisance is expected.
- (b) Based on the information provided in the application, the temporary use consists of cargo handling and forwarding facility with ancillary warehouses and open parking of heavy vehicles. In this regard, he anticipates that the operation of cargo handling and forwarding facility and the traffic of heavy vehicles so generated will cause environmental nuisance to the nearby sensitive receivers.
- (c) There is no substantiated environmental complaint pertaining to the Site received in the past 3 years.

Drainage

10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no objection in principle to the proposed application from the public drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant to submit a drainage proposal and to implement and maintain the drainage proposal for the development to the satisfaction of his Division or of the Board.

Water Supply

10.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected. A Waterworks Reserve (WWR) within 1.5 metres from the centreline of the water mains shall be provided to WSD.
- (c) No structure should be built or materials stored within the WWR. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the WWR or in the vicinity of the water mains shown on the plan.
- (e) The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Fire Safety

10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

10.1.9 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photo of 2018, it is observed that the Site is hard paved with some existing large trees adjoining the west of the application. The applied use appears to be already in operation. The Site is situated in an area of rural landscape character disturbed by open storage yards. Significant change to the landscape character arising from the application is not envisaged.
- (b) The applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval.
- (c) In consideration of the temporary nature of the site and its constraints, the Applicant may propose tree species of short life span habit or with less vigorous roots in lieu of the *Ficus microcarpa*.
- (d) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解(http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

10.1.10 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He has no specific comment on the application.
- (b) It is noted apparently the application has no tree issues involved. However, the applicant is reminded that from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period. If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DevB TC(W) No. 7/2015.

Long Term Development

10.1.11 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities. However, the Site falls within the "GIC" zone of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned within "G/IC" zone falls under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site will not be arranged before the first population intake of the HSK NDA expected in 2024.

10.1.12 Comments of the Secretary for Education (SED):

- (a) He understood that the proposal is effective for 3 years and renewal is subject to further approval.
- (b) The reserved primary/secondary school site is to cater for the population in HSK NDA and the commencement of facilities will tie in with nearby housing development in HSK NDA.
- (c) Reservation of sites for primary/secondary schools should be made on a district basis. So long as a suitable school site can be identified within the district by the Planning Department, EDB would not have specific preference over the exact location of the school site.

Others

10.1.13 Comments of the Director of Food and Environmental Hygiene Department (DFEH):

- (a) No Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such activity/operation, the applicant should arrange its disposal properly at her own expenses.
- (c) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

District Officer's Comments

10.1.14 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His Office has not received any comment from the locals on the application.

10.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Commissioner of Police (C of P);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD).

11. Public Comments Received During Statutory Publication Period

On 19.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 10.7.2018, two public comments from individuals were received objecting to the application (**Appendices IVa and IVb**) mainly on grounds of the previous application for the same use had been rejected by the Committee, the condition had not been changed and the Site could be considered for temporary housing.

12. Planning Considerations and Assessments

12.1 According to the TPB PG-No. 13E, the Site falls within Category 4 areas. The following considerations in the Guidelines are relevant:

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, a maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

12.2 The Site straddles areas zoned "G/IC" (60%) and "V" (40%) on the OZP. The "G/IC" zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses

directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of SH by indigenous villagers. According to DLO/YL, there are 10 SH applications under processing and 11 SH applications approved in the vicinity of the Site. The applied use is not in line with the planning intention of the “G/IC” and “V” zones of the OZP. There is no strong planning justification for a departure from the planning intention, even on a temporary basis.

- 12.3 The Site is situated in an area which is mainly planned for Government, institution or community facilities and residential use, and is predominated by residential dwellings, cultivated land and vacant land. Although there are open storage yards, warehouses, workshops and factory uses in the vicinity of the Site, majority are suspected unauthorised developments subject to enforcement actions by the Planning Authority. The applied use, which is industrial in nature, is not compatible with the surrounding environment, in particular the village cluster to the south of the Site.
- 12.4 DEP does not support the application. There are domestic uses in the vicinity of the Site, and the nearest domestic use is located about 4m from the site boundary. DEP anticipates that the operation of the temporary cargo handling and forwarding facility and the traffic of heavy vehicles so generated will cause environmental nuisance to the nearby sensitive users. In this regard, the applicant fails to demonstrate that the development would not generate adverse environmental impact on the nearby sensitive receivers.
- 12.5 The application does not comply with the TPB PG-No.13E in that the Site falls within Category 4 area where applications would normally be rejected except under exceptional circumstances. The Site is not the subject of any previous planning approval for similar cargo handling and forwarding facility use and there is no special circumstance in the application that justify sympathetic consideration; there is adverse departmental comment from DEP and local objections on the application; and the applicant fails to demonstrate that the applied use would not have adverse environmental impact.
- 12.6 The Site is the subject of a previous application (No. A/YL-PS/541) for the same use. The previous application was rejected by the Committee on 13.10.2017 on grounds of no strong planning justifications to support deviation from the planning intentions of the zones, incompatible land uses, not comply with TPB PG-No. 13E and approval of the application would set an undesirable precedent. There is no change in planning circumstances since the last application. The Committee has not approved any application for cargo handling and forwarding facility involving the subject “G/IC” and “V” zones. Approval of the current application would set an undesirable precedent and encourage other applications for similar developments within the subject “G/IC” and “V” zones. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

12.7 There are two public comments received objecting to the application on grounds of land use planning as summarised in paragraph 11 above. The planning considerations and assessments above are also relevant.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) the planning intention of the “G/IC” zone on the OZP is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The applied use is not in line with the planning intention of the zones. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applied use is not compatible with the surrounding land uses which are predominantly residential in nature intermixed with cultivated agricultural land and vacant land;
- (c) the application does not comply with the Town Planning Board Guidelines No. 13E in that no previous approval has been granted for the Site, and there are adverse departmental comment and local objections against the application. The applicant fails to demonstrate that the applied development would not generate adverse environmental impact; and
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same “G/IC” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **3.8.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 7:00 a.m. and 8:00 a.m. as well as between 1:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (c) no repairing, recycling, cleansing, dismantling work and workshop activities is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.2.2019**;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.5.2019**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **3.2.2019**;
- (i) in relation to (h) above, the implementation of the landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **3.5.2019**;
- (j) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.2.2019**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.5.2019**;
- (l) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **3.2.2019**;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (h), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an

amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 12.6.2018 (with replacement page incorporated)
Appendix Ia	Supplementary planning statement with lot index plan and vehicular parking layout plan (with replacement page incorporated)
Appendix Ib	Letter of 16.7.2018 providing response to the comments of the Transport Department (TD)
Appendix Ic	Letter of 19.7.2018 providing clarification on the traffic flow at Ingress/ Egress M and updated Appendices IV and VI of the supplementary planning statement
Appendix II	Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous s16 Application covering the Site
Appendices IVa to IVb	Public comments received during statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Vehicular Parking Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its

individual merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
 - (a) there will be a general presumption against development on sites of less than 1,000m² for open storage uses and 2,000m² for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
 - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

Previous s.16 Applications covering the Application Site

Rejected Application

<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/541	Temporary Cargo Handling and Forwarding Facility and Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years	13.10.2017	(1) to (4)

Rejection Reason

- (1) Not in line with planning intention
- (2) Not compatible with the surrounding land uses
- (3) Not comply with the Town Planning Board Guidelines No. 13E
- (4) Undesirable precedent for similar applications within the same “G/IC” and “V” zones

Advisory Clauses

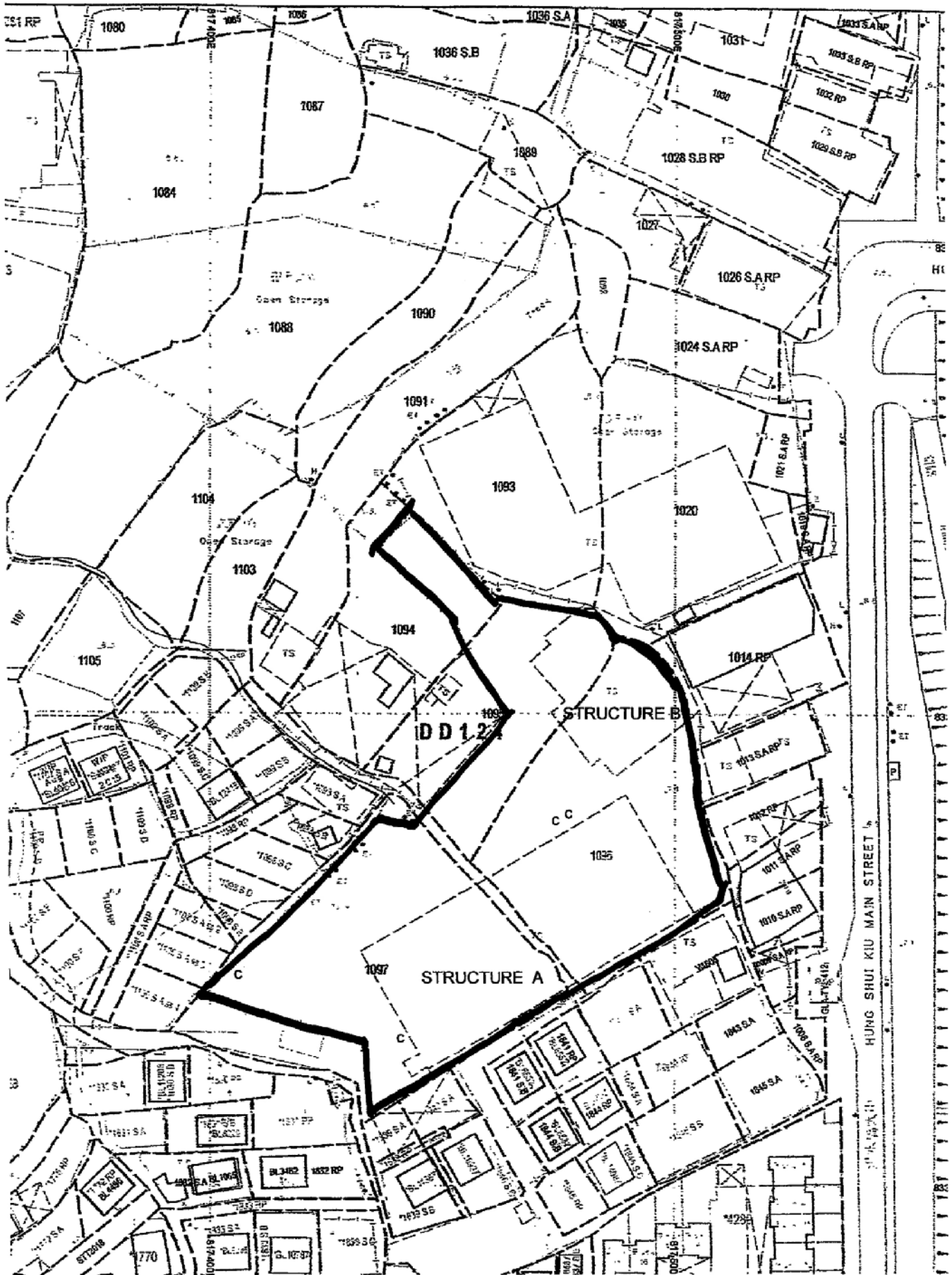
- (a) prior planning permission should have been obtained before commencing the development of the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note that the permission granted was to the use of the Site as applied for. Such permission should not be construed as an acceptance or condonation by the Committee of any unauthorised building works (UBWs) on the Site. Any existing building structures which are regarded as UBWs under the Buildings Ordinance (BO) may be subject to enforcement action by the Building Authority (BA);
- (d) to note the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under Building (Minor Works) Regulation;
- (e) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (f) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 117.5m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Hung Shui Kiu Main Street through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. Lot No. 1094 in D.D. 124 is covered by Short Term Waiver (STW) No. 1159 for Food Factory and Quarter and Lot No. 1095 in D.D. 124 is covered by STW No. 1314 for Food Factory. The STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or regularise any irregularities on Site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the


existing structures (not being a NTEH) are erected on leased land without approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (i) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space should be provided within the Site. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains. The access between the Site and Hung Chi Road/Hung Shui Kiu Main Street is not and will not be maintained by HyD;
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. A Waterworks Reserve (WWR) within 1.5 metres from the centreline of the water mains shall be provided to WSD. No structure should be built or materials stored within the WWR. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the WWR or in the vicinity of the water mains shown on the plan. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (l) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and

depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

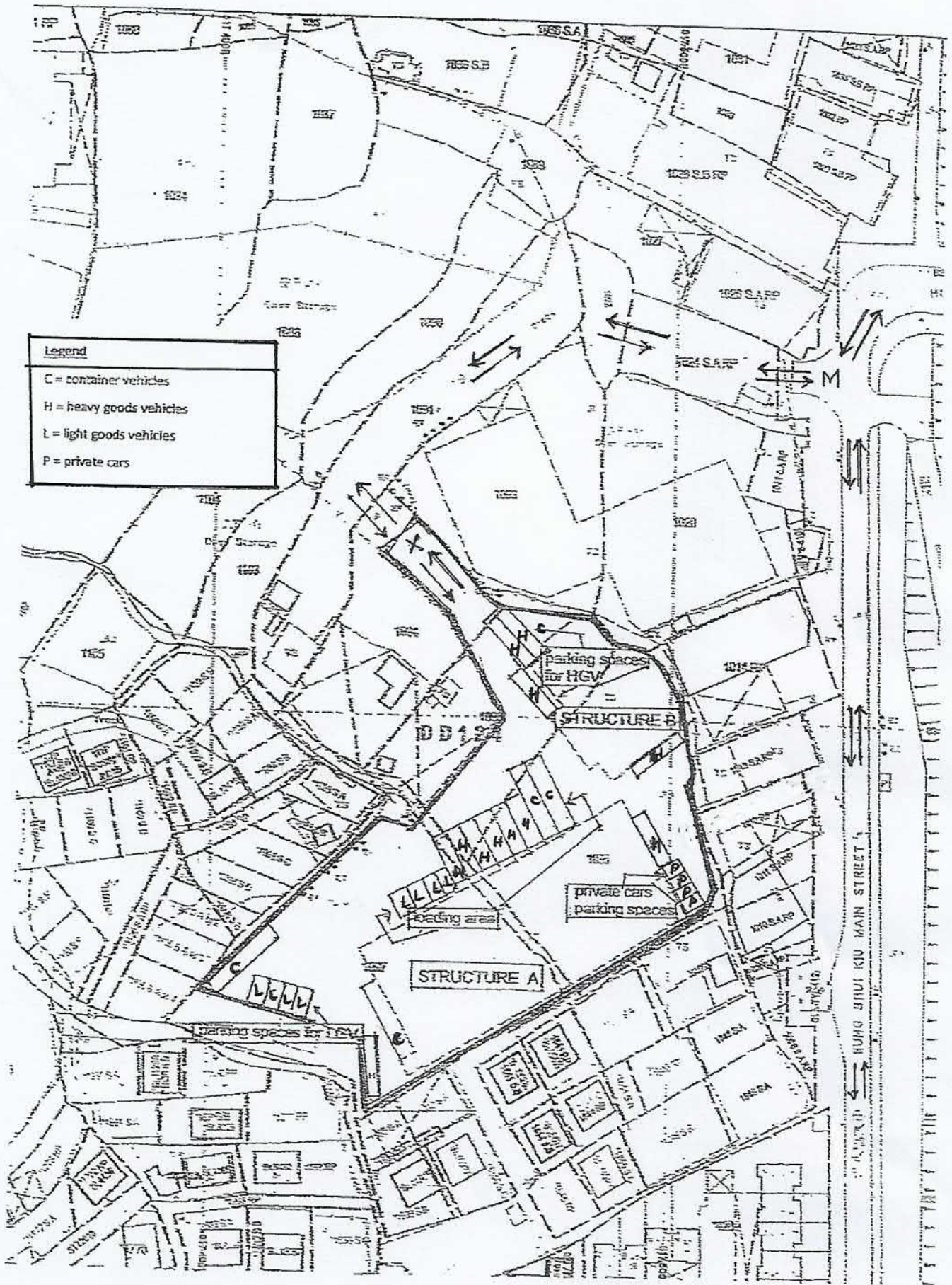
- (m) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval. In consideration of the temporary nature of the site and its constraints, the Applicant may propose tree species of short life span habit or with less vigorous roots in lieu of the *Ficus microcarpa*. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (n) to note the comments of the Director of Leisure and Cultural Services (DLCS) that from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period. If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DevB TC(W) No. 7/2015; and
- (o) to note the comments of the Director of Food and Environmental Hygiene Department (DFEH) that no Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange its disposal properly at her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.



 APPLICATION SITE

參考編號 REFERENCE No.	繪圖 DRAWING
A/HSK/84	A-1

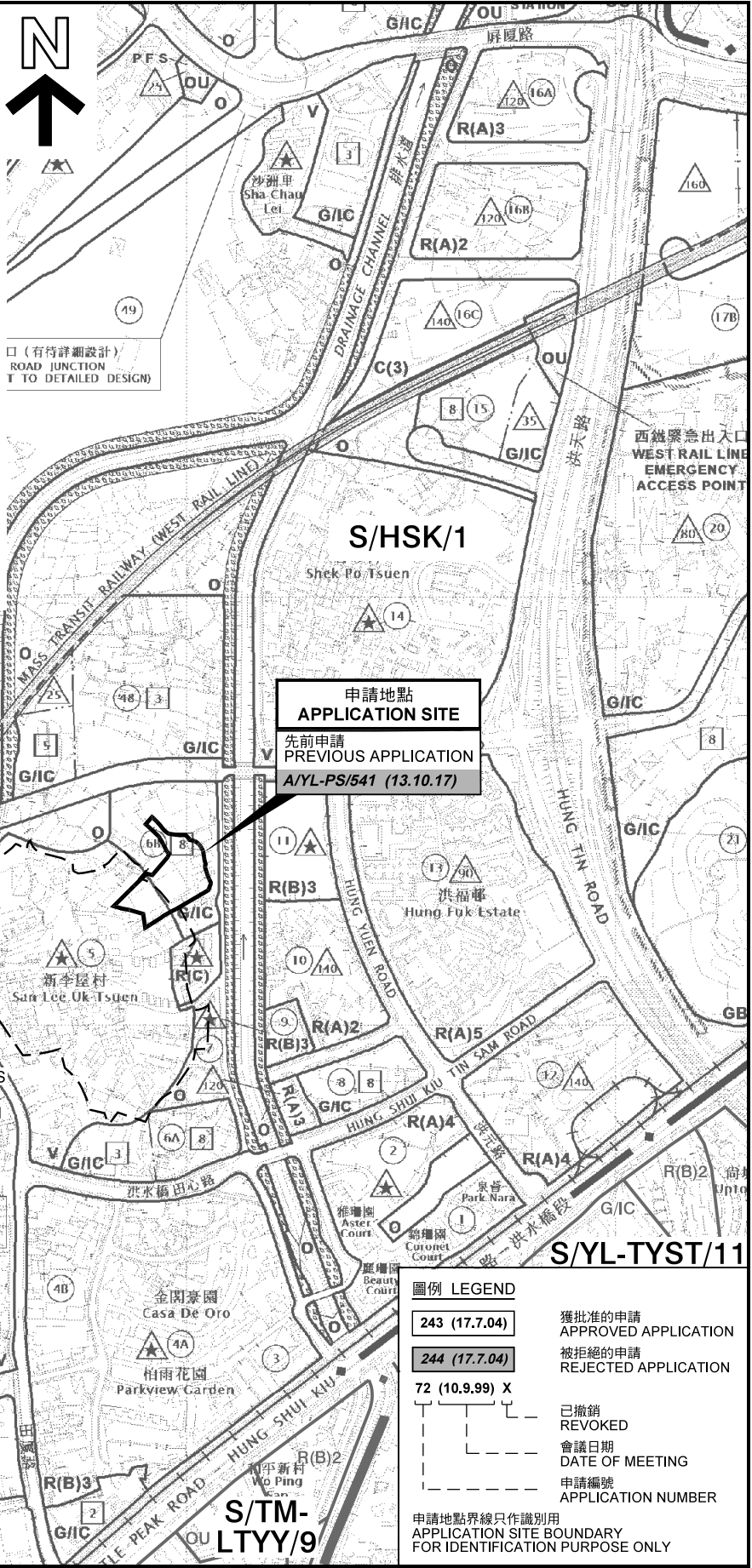
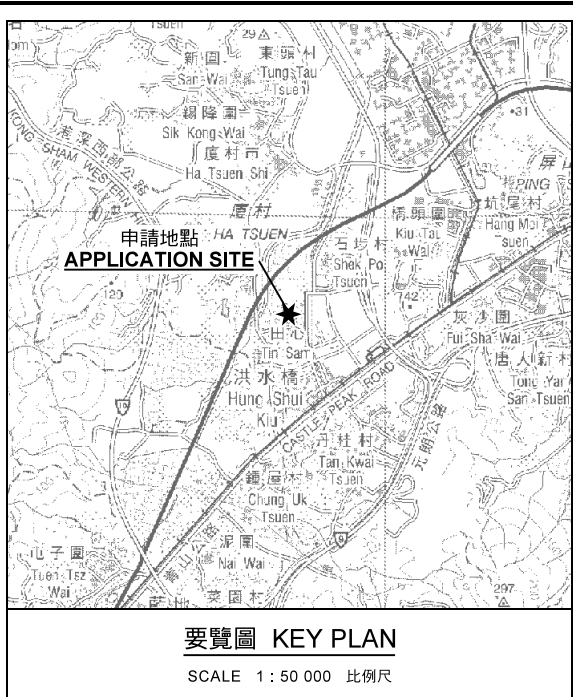
(摘錄自申請人於12. 6. 2018呈交的申請書)
(Extract from Applicant's
Submission Dated 12.6.2018)



VEHICULAR AND ENTRANCE LAYOUT

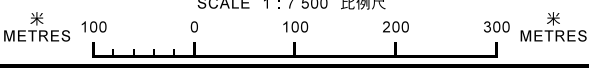
參考編號 REFERENCE No.	繪圖 DRAWING
A/HSK/84	A-2

(摘錄自申請人於19.7.2018呈交的申請書)
 (Extract from Applicant's
 Submission Dated 19.7.2018)



位置圖 LOCATION PLAN

臨時貨物裝卸及貨運設施連附屬貨倉及停車設施(為期3年)
新界元朗洪水橋丈量約份第124約地段第1094號(部分)、第1095號(部分)、
第1096號(部分)及第1097號(部分)和毗連政府土地
TEMPORARY CARGO HANDLING AND FORWARDING
FACILITY WITH ANCILLARY WAREHOUSES AND
CAR PARKING FACILITIES FOR A PERIOD OF 3 YEARS
LOTS 1094 (PART), 1095 (PART), 1096 (PART) AND
1097 (PART) IN D.D. 124 AND ADJOINING GOVERNMENT LAND,
HUNG SHUI KIU, YUEN LONG, NEW TERRITORIES
SCALE 1:7 500 比例尺



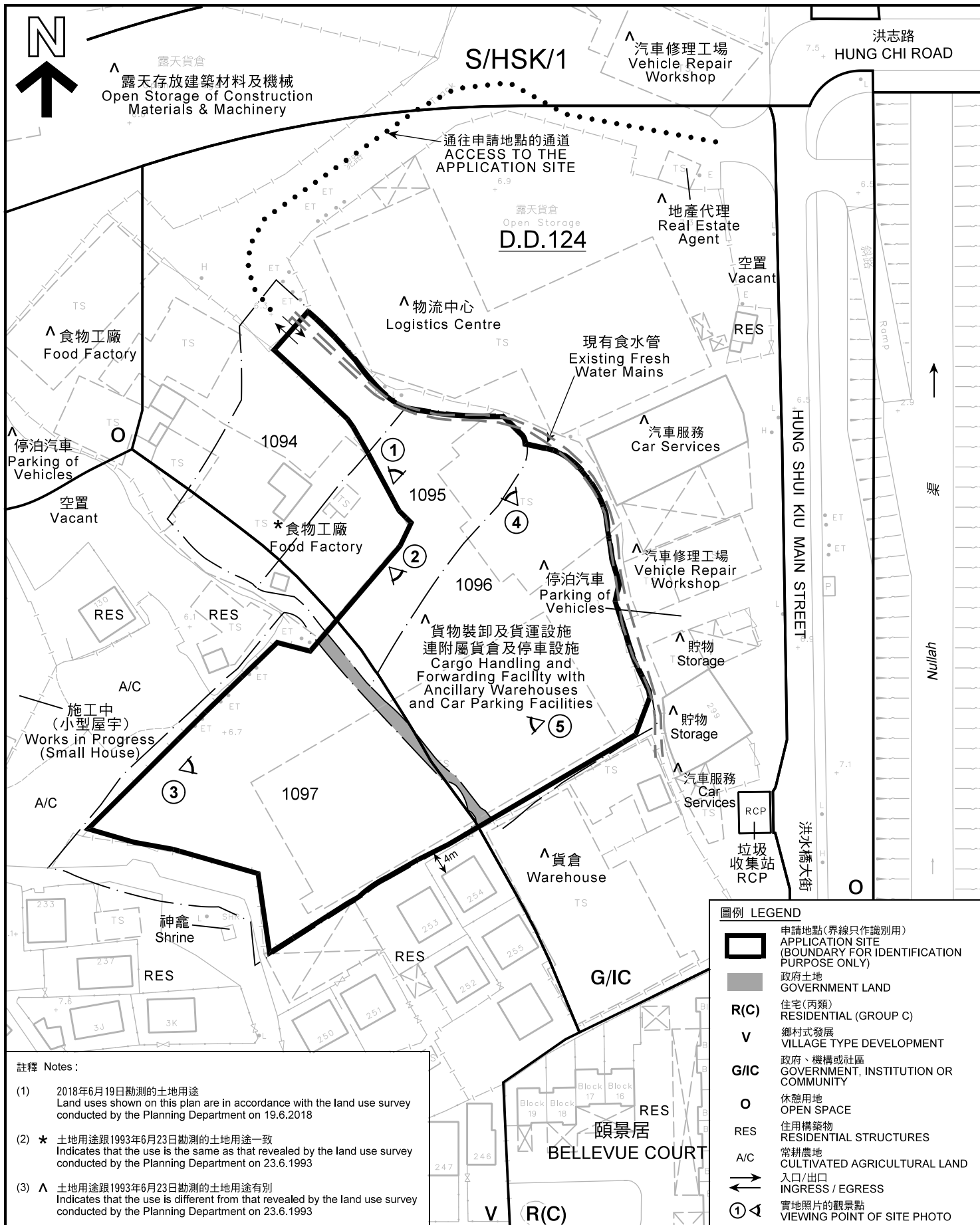
本摘要圖於2018年7月18日擬備，
所根據的資料為於2017年5月26日
展示的分區計劃大綱圖編號 S/HSK/1
EXTRACT PLAN PREPARED ON 18.7.2018
BASED ON OUTLINE ZONING PLAN No.
S/HSK/1 EXHIBITED ON 26.5.2017

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/HSK/84

圖 PLAN
A-1



註釋 Notes:

- (1) 2018年6月19日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 19.6.2018
- (2) * 土地用途跟1993年6月23日勘測的土地用途一致
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department on 23.6.1993
- (3) ^ 土地用途跟1993年6月23日勘測的土地用途有別
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department on 23.6.1993

平面圖 SITE PLAN

臨時貨物裝卸及貨運設施連附屬貨倉及停車設施(為期3年)
 新界元朗洪禧丈量約份第124約地段第1094號(部分)、第1095號(部分)、
 第1096號(部分)及第1097號(部分)和毗連政府土地
 TEMPORARY CARGO HANDLING AND FORWARDING
 FACILITY WITH ANCILLARY WAREHOUSES AND
 CAR PARKING FACILITIES FOR A PERIOD OF 3 YEARS
 LOTS 1094 (PART), 1095 (PART), 1096 (PART) AND
 1097 (PART) IN D.D. 124 AND ADJOINING GOVERNMENT LAND,
 HUNG SHUI KIU, YUEN LONG, NEW TERRITORIES
 SCALE 1 : 1 000 比例尺

米 METRES 20 0 20 40 米 METRES

圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 政府土地
GOVERNMENT LAND
- R(C)** 住宅(丙類)
RESIDENTIAL (GROUP C)
- V** 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- G/IC** 政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY
- O** 休憩用地
OPEN SPACE
- RES** 住用構築物
RESIDENTIAL STRUCTURES
- A/C** 常耕農地
CULTIVATED AGRICULTURAL LAND
- 入口/出口
INGRESS / EGRESS
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

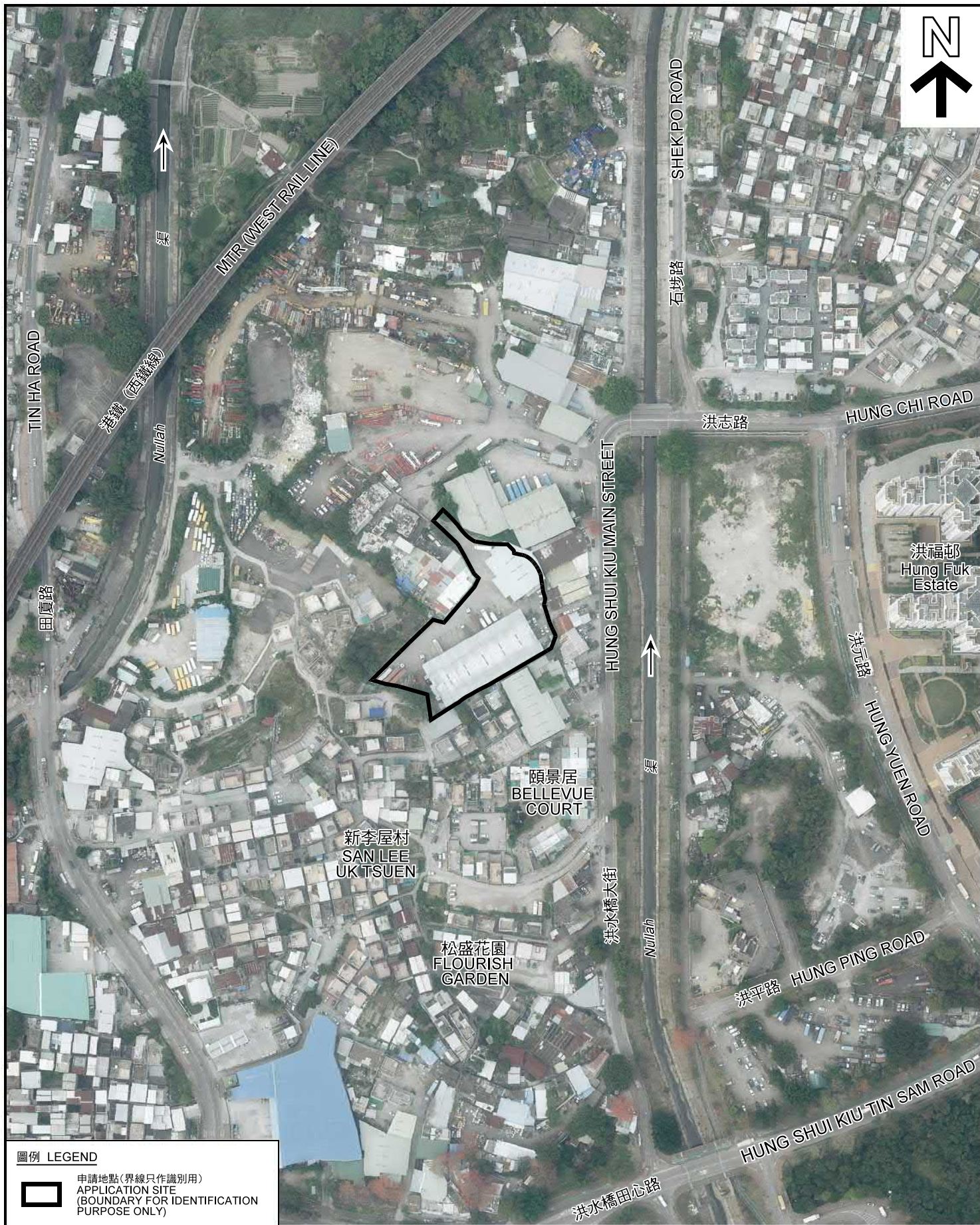
本摘要圖於2018年7月23日擬備，所根據的資料為測量圖編號 6-NW-12B
 EXTRACT PLAN PREPARED ON 23.7.2018
 BASED ON SURVEY SHEET No.
 6-NW-12B

規劃署
**PLANNING
 DEPARTMENT**



參考編號
 REFERENCE No.
A/HSK/84

圖 PLAN
A-2



圖例 LEGEND



申請地點 (界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2018年7月12日擬備，所根據的資料為地政總署於2018年3月13日拍得的航攝照片編號 E035805C
EXTRACT PLAN PREPARED ON 12.7.2018
BASED ON AERIAL PHOTO No.
E035805C TAKEN ON 13.3.2018
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

臨時貨物裝卸及貨運設施連附屬貨倉及停車設施(為期3年)
新界元朗洪水橋丈量約份第124約地段第1094號(部分)、第1095號(部分)、
第1096號(部分)及第1097號(部分)和毗連政府土地
TEMPORARY CARGO HANDLING AND FORWARDING
FACILITY WITH ANCILLARY WAREHOUSES AND
CAR PARKING FACILITIES FOR A PERIOD OF 3 YEARS
LOTS 1094 (PART), 1095 (PART), 1096 (PART) AND
1097 (PART) IN D.D. 124 AND ADJOINING GOVERNMENT LAND,
HUNG SHUI KIU, YUEN LONG, NEW TERRITORIES

**規劃署
PLANNING
DEPARTMENT**



參考編號
REFERENCE No.
A/HSK/84

圖 PLAN
A-3



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

臨時貨物裝卸及貨運設施連附屬貨倉及停車設施(為期3年)
新界元朗洪水橋丈量約份第124約地段第1094號(部分)、第1095號(部分)、
第1096號(部分)及第1097號(部分)和毗連政府土地
TEMPORARY CARGO HANDLING AND FORWARDING
FACILITY WITH ANCILLARY WAREHOUSES AND
CAR PARKING FACILITIES FOR A PERIOD OF 3 YEARS
LOTS 1094 (PART), 1095 (PART), 1096 (PART) AND
1097 (PART) IN D.D. 124 AND ADJOINING GOVERNMENT LAND,
HUNG SHUI KIU, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/HSK/84

圖 PLAN
A-4a

本圖於2018年7月18日擬備，所根據的資料為攝於2018年6月19日的實地照片
PLAN PREPARED ON 18.7.2018
BASED ON SITE PHOTOS
TAKEN ON 19.6.2018



本圖於2018年7月18日擬備，所根據的資料為攝於2018年6月19日的實地照片
 PLAN PREPARED ON 18.7.2018
 BASED ON SITE PHOTOS
 TAKEN ON 19.6.2018

實地照片 SITE PHOTO

臨時貨物裝卸及貨運設施連附屬貨倉及停車設施(為期3年)
 新界元朗洪水橋丈量約份第124約地段第1094號(部分)、第1095號(部分)、
 第1096號(部分)及第1097號(部分)和毗連政府土地
 TEMPORARY CARGO HANDLING AND FORWARDING
 FACILITY WITH ANCILLARY WAREHOUSES AND
 CAR PARKING FACILITIES FOR A PERIOD OF 3 YEARS
 LOTS 1094 (PART), 1095 (PART), 1096 (PART) AND
 1097 (PART) IN D.D. 124 AND ADJOINING GOVERNMENT LAND,
 HUNG SHUI KIU, YUEN LONG, NEW TERRITORIES

規劃署
**PLANNING
 DEPARTMENT**



參考編號
 REFERENCE No.
A/HSK/84

圖 PLAN
A-4b

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/84 Temporary Cargo Handling and Forwarding Facility with Ancillary Warehouses and Car Parking Facilities for a Period of 3 Years in “Government, Institution or Community” and “Village Type Development” Zones, Lots 1094 (Part), 1095 (Part), 1096 (Part) and 1097 (Part) in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long

(RNTPC Paper No. A/HSK/84)

Presentation and Question Sessions

131. Ms Stella Y. Ng, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) temporary cargo handling and forwarding facility with ancillary warehouses and car parking facilities for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings within 4m from the boundary of the site. It was anticipated that the operation of the temporary cargo handling and forwarding facility and the traffic of heavy vehicles so generated would cause environmental nuisance to the nearby sensitive users. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals, raising objection to the application. Major objecting views were set out in paragraph 11 of the

Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intentions of the “Village Type Development” (“V”) and “Government, Institution or Community” (“G/IC”) zones and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The applied use was not compatible with surrounding environment, in particular the village cluster to the south of the site. The applied use was not in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 4 areas, no previous approval for similar cargo handling and forwarding facility use had been granted at the site and there was adverse departmental comment on the application. The applicant failed to demonstrate that the proposed use would not generate adverse environmental impact and the current application did not warrant sympathetic consideration. The approval of the application would set an undesirable precedent for similar applications within the subject “G/IC” and “V” zones. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the planning intention of the “Government, Institution or Community” (“G/IC”) zone on the Outline Zoning Plan is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. The planning intention of the “Village Type Development” (“V”) zone is to designate both existing recognised villages and areas of land considered

suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The applied use is not in line with the planning intention of the zones. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the applied use is not compatible with the surrounding land uses which are predominantly residential in nature intermixed with cultivated agricultural land and vacant land;
- (c) the application does not comply with the Town Planning Board Guidelines No. 13E in that no previous approval has been granted for the Site, and there are adverse departmental comment and local objections against the application. The applicant fails to demonstrate that the applied development would not generate adverse environmental impact; and
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same “G/IC” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

Annex C of TPB
Paper No. 10494
TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4317

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/HSK/84

By Registered Post & Fax (2743 2676)

17 August 2018

Land Chartering Ltd.
Unit B, 9/F, Hang Cheong Factory Building
1 Wing Ming Street
Cheung Sha Wan, Kowloon
(Attn.: Lam Hung Kwan)

Dear Sir/Madam,

**Temporary Cargo Handling and Forwarding Facility with Ancillary
Warehouses and Car Parking Facilities for a Period of 3 Years
in “Government, Institution or Community” and “Village Type
Development” Zones, Lots 1094 (Part), 1095 (Part), 1096 (Part) and 1097 (Part)
in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long**

I refer to my letter to you dated 20.7.2018.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the planning intention of the “Government, Institution or Community” (“G/IC”) zone on the Outline Zoning Plan is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. The planning intention of the “Village Type Development” (“V”) zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The applied use is not in line with the planning intention of the zones. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applied use is not compatible with the surrounding land uses which are predominantly residential in nature intermixed with cultivated agricultural land and vacant land;
- (c) the application does not comply with the TPB Guidelines No. 13E in that no previous approval has been granted for the Site, and there are adverse departmental comment and local objections against the application. You fail to demonstrate that the applied development would not generate adverse environmental impact; and

- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same "G/IC" and "V" zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

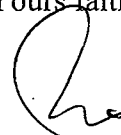
A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 3.8.2018 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 7.9.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Stella Ng of Tuen Mun & Yuen Long West District Planning Office at 2158 6291.

Yours faithfully,



(Felix MA)

for Secretary, Town Planning Board

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development of the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (d) to note the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of Minor Works Control System, the applicant should ensure compliance with the simplified requirements under Building (Minor Works) Regulation);
- (e) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (f) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 117.5m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Hung Shui Kiu Main Street through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. Lot No. 1094 in D.D. 124 is covered by Short Term Waiver (STW) No. 1159 for Food Factory and Quarter and Lot No. 1095 in D.D. 124 is covered by STW No. 1314 for Food Factory. The STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or regularise any irregularities on Site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being a NTEH) are erected on leased land without approval of the BD,

they are UBW under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (i) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space should be provided within the Site. The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains. The access between the Site and Hung Chi Road/Hung Shui Kiu Main Street is not and will not be maintained by HyD;
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. A Waterworks Reserve (WWR) within 1.5 metres from the centreline of the water mains shall be provided to WSD. No structure should be built or materials stored within the WWR. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the WWR or in the vicinity of the water mains shown on the plan. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (l) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of

occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (m) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval. In consideration of the temporary nature of the site and its constraints, the Applicant may propose tree species of short life span habit or with less vigorous roots in lieu of the *Ficus microcarpa*. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (n) to note the comments of the Director of Leisure and Cultural Services (DLCS) that from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period. If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DevB TC(W) No. 7/2015; and
- (o) to note the comments of the Director of Food and Environmental Hygiene Department (DFEH) that no Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange its disposal properly at her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.